

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ATS PRODUCTS, INC.,  
Plaintiff,

v.

CHAMPION FIBERGLASS, INC.,  
Defendant.

Case No. [13-cv-02403-SI](#)

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE A  
FOURTH AMENDED COMPLAINT  
AND SETTING CASE MANAGEMENT  
CONFERENCE FOR SEPTEMBER 4,  
2015 AT 3:30 PM**

Re: Dkt. Nos. 104, 115

Plaintiff's motion for leave to file a fourth amended complaint is scheduled for a hearing on July 9, 2015. Pursuant to Civil Local Rule 7-1(b), the Court determines that the matter is appropriate for resolution without oral argument and VACATES the hearing.

Plaintiff wishes to file a supplemental complaint (the proposed fourth amended complaint) to allege new misappropriation claims and to add four new defendants. Plaintiff seeks to amend the complaint based upon discovery recently produced by defendant. Plaintiff asserts that this discovery "show[s] that Champion (and the other proposed defendants) each has possession of ATS Trade Secret formulations for ingredients, cook, and hardeners, which giv[e] rise to new claims by ATS against Champion (and the other proposed defendants) for misappropriation of ATS Cooking Trade Secrets and of ATS Hardener Trade Secrets in addition to (further) claims against Champion (and the other proposed defendants) for misappropriation of ATS Ingredient Trade Secrets." Dkt. 104-1 at 2:15-20. Plaintiff states that if leave to supplement the complaint is denied, plaintiff will file a second lawsuit alleging the new claims against Champion and the new defendants.

Defendant opposes the proposed amendment, arguing primarily that plaintiff has not been

1 diligent in seeking to amend and that allowing the amendment will be prejudicial because it will  
2 impact the discovery and trial schedule.

3 Federal Rule of Civil Procedure 15(d) provides that “[u]pon motion of a party the court  
4 may, upon reasonable notice and upon such terms as are just, permit the party to serve a  
5 supplemental pleading setting forth transactions or occurrences or events which have happened  
6 since the date of the pleading sought to be supplemented.” Fed. R. Civ. P. 15(d). “Rule 15(d) is  
7 intended to give district courts broad discretion in allowing supplemental pleadings.” *Keith v.*  
8 *Volpe*, 858 F.2d 467, 473 (9th Cir. 1988). “The rule is a tool of judicial economy and  
9 convenience. Its use is therefore favored.” *Id.*

10 The Court finds that permitting plaintiff to supplement the complaint will promote judicial  
11 efficiency “by enabling [the] court to award complete relief, or more nearly complete relief, in one  
12 action, and to avoid the cost, delay and waste of separate actions which must be separately tried  
13 and prosecuted.” *Id.* (internal citation and quotation marks omitted); *see also William Inglis &*  
14 *Sons Baking Co. v. ITT Continental Baking Co., Inc.*, 668 F.2d 1014, 1057 (9th Cir. 1982) (“The  
15 purpose of Rule 15(d) is to promote as complete an adjudication of the dispute between the parties  
16 as possible by allowing the addition of claims which arise after the initial pleadings are filed.”).  
17 While plaintiff’s counsel could have sought leave to file the supplemental complaint earlier, the  
18 Court finds that plaintiff has not unduly delayed. The Court also finds that the current trial date of  
19 June 26, 2016 should provide enough time for all parties, including the new parties, to prepare for  
20 trial. However, if the schedule needs to be adjusted in light of the filing of the fourth amended  
21 complaint, the parties may address those issues with the Court at the upcoming case management  
22 conference.

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**CONCLUSION**

Accordingly, the Court GRANTS plaintiff's motion for leave to file a fourth amended complaint. Plaintiff shall file and serve the fourth amended complaint no later than **July 17, 2015**. The Court will hold a case management conference on **September 4, 2015 at 3:30 p.m.**

**IT IS SO ORDERED.**

Dated: July 6, 2015



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SUSAN ILLSTON  
United States District Judge